

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed April 5, 2005. At the time of the Final Office Action, Claims 1, 4 and 5 were pending in this Application. Claims 2-3 and 6-12 were previously cancelled by Applicants without prejudice or disclaimer. Claims 1, 4 and 5 were rejected. Claims 1 and 4 have been amended to further define various features of Applicants' invention. New Claim 13 has been added. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1 and 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,336,124 issued to Hassan Alam et al. ("Alam et al.") in view of AutoCAD Release 12 dated June 12, 1992 ("AutoCAD"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Among other elements, Claim 1 recites a device for "converting automation project data from a proprietary format for automation project data to a format defined by a standardized meta format." Additionally, Claim 1 recites a conversion apparatus for "converting the automation project data into a defined standardized meta data format." Emphasis added. As described in the specification, automation project data is data related to the sequencing over time of automation components used by a control system. See page 1, paragraph 0002. As described, such automation project data is stored in a proprietary format for use by a run-time system. See *id.*

Examiner cites to Alam as teaching a conversion apparatus for converting proprietary format data. Examiner further cites to AutoCAD as teaching an export/import apparatus. Applicants respectfully submit that Alam is a data conversion system for converting a document stored in one format into a different format. See Col. 1, lines 15-20. Alam clearly

fails to provide any disclosure, teaching or suggestion with respect to the conversion of automation project data as recited in Independent Claim 1.

The Examiner argues that Microsoft Word, Word Perfect, Autocad and Microsoft PowerPoint, as described in Alam are proprietary formats. Applicants submit that the above applications do not provide a format appropriate for use with automation project data as described and thus fails to disclose, teach or suggest a proprietary format for automation project data as recited in Independent Claim 1.

The AutoCAD reference provides a mere listing of the features of a particular version of an AutoCAD product (including a general reference. The AutoCAD reference also fails to provide any disclosure, teaching or suggestion with respect to the conversion of automation project data as recited in Independent Claim 1.

For at least these reasons, Applicants submit that Alam and AutoCAD, considered alone or in combination, cannot render obvious Independent Claim 1. Applicants request reconsideration, withdrawal of the §103 rejections and full allowance of Independent Claim 1 and Claims 4 and 5 which depend therefrom.

Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Bruce W. Slayden II at 512.322.2606.

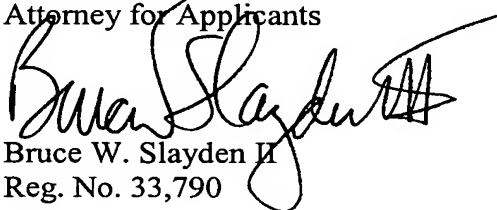
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2158 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants


Bruce W. Slayden II
Reg. No. 33,790

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2606
512.322.8306 (fax)

Date: 6/6/2005